

AUG 23 2005

PATENT

## Reply Under 37 CFR 1.116 Expedited Procedure

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/877,928  
Applicant : Jensen et al.  
Filed : June 7, 2001  
TC/A.U. : 2153  
Examiner : Edelman, Bradley E.  
  
Docket No. : 42390.P10678  
Customer No. : 08791

Confirmation No.: 1359

Reply Under 37 CFR 1.116  
Expedited Procedure  
Technology Center No. 2153

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT

SIR:

In response to the final Office Action mailed on June 9, 2005, with the three-month shortened statutory period for response set to expire on September 9, 2005, kindly amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.

4001

AUG 23 2005

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

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## FACSIMILE COVER SHEET

REPLY UNDER 37 CFR 1.116  
EXPEDITED PROCEDURE  
TECHNOLOGY CENTER NO. 2665

**Deliver to:** Bradley E. Edelman, USPTO

**Art Group:** 2153

Facsimile No.: 571-273-8300

Date: August 23, 2005

From: Gregory D. Caldwell, Reg. No. 39,926

Our Docket No.: 42390P10678

Number of pages 13, including this sheet.

Application No.: 09/877,928

Filing Date: 6/7/2001

**Enclosed are the following documents:**

Docket Due Date(s): 8/23/2005

- Amendment: Response ( 12 pgs)
- Appeal Brief ( \_\_\_\_ pgs)
- Application: \_\_\_\_\_  
( \_\_\_\_ pgs) w/cover & abstract)
- Assignment & Cover Sheet ( \_\_\_\_ pgs)
- Certificate of Facsimile \_\_\_\_\_
- Continued Prosecution Application (CPA)
- Declaration & POA ( \_\_\_\_ pgs)
- Drawings: \_\_\_\_ sheets, \_\_\_\_ figures
- Extension of Time: \_\_\_\_\_
- Fee Transmittal (in duplicate)
- IDS & PTO/SB/08 ( \_\_\_\_ pgs)
- Other \_\_\_\_\_

- Issue Fee Transmittal
  - Notice of Appeal
  - Petition for: \_\_\_\_\_
  - Request for Continued Examination (RCE)
  - Reply Brief ( \_\_\_\_pgs)
  - Request & Certification Under 35 USC 122(b)(2)(B)(i)
  - Request to Rescind Previous Nonpublication Request
  - Response to Notice of Missing Parts & Formalities Letter
  - Response to Written Opinion ( \_\_\_\_pgs)
  - Terminal Disclaimer
  - Transmittal of Publication Fee Due
  - Transmittal Letter

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*Rachael L. Brown*

8/23/2005

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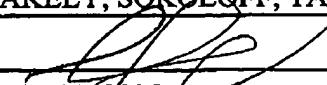
		Application No.	09/877,928
		Filing Date	June 7, 2001
		First Named Inventor	Kell Michael Jensen
		Art Unit	2153
		Examiner Name	Bradley E. Edelman
Total Number of Pages in This Submission	13	Attorney Docket Number	42390P10678

**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Response	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input checked="" type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	<input type="checkbox"/> Fax Cover Sheet
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> PTO/SB/08		
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Basic Filing Fee		
<input type="checkbox"/> Declaration/POA		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

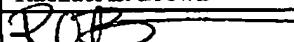
Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Gregory D. Caldwell, Reg. No. 39,926 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	August 23, 2005

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Typed or printed name	Rachael L. Brown
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# FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT

(\$)

0.00

## Complete if Known

Application Number	09/877,928
Filing Date	June 7, 2001
First Named Inventor	Kell Michael Jensen
Examiner Name	Bradley E. Edelman
Art Unit	2153
Attorney Docket No.	42390P10678

## METHOD OF PAYMENT (check all that apply)

- Check  Credit card  Money Order  None  Other (please identify): \_\_\_\_\_
- Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

- Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee
- Charge any additional fee(s) or underpayment of fee(s)  Credit any overpayments
- under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

## FEE CALCULATION

## 1. EXTRA CLAIM FEES

Total Claims	18	- 20*	= 0	x 50.00	= \$0.00
Independent Claims	3	- 3*	= 0	x 200.00	= \$0.00
Multiple Dependent					

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	50	2202	25	Claims in excess of 20
1201	200	2201	100	Independent claims in excess of 3
1203	360	2203	180	Multiple Dependent claim, if not paid
1204	300	2204	150	"Reissue independent claims over original patent
1205	300	2205	150	"Reissue claims in excess of 20 and over original patent
SUBTOTAL (1)		(\$)		0.00

\*or number previously paid, # greater. For Reissues, see below

## 2. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1051	130	2051	65	Surcharge - late filing fee or oath
1052	60	2052	25	Surcharge - late provisional filing fee or cover sheet
2063	130	2053	130	Non-English specification
1251	120	2251	80	Extension for reply within first month
1252	450	2252	225	Extension for reply within second month
1253	1,020	2253	510	Extension for reply within third month
1254	1,500	2254	795	Extension for reply within fourth month
1255	2,160	2255	1,080	Extension for reply within fifth month
1401	500	2401	250	Notice of Appeal
1402	500	2402	250	Filing a brief in support of an appeal
1403	1,000	2403	500	Request for oral hearing
1451	1,510	2451	1,510	Petition to institute a public use proceeding
1460	130	2460	130	Petitions to the Commissioner
1807	60	1807	50	Processing fee under 37 CFR 1.17(q)
1808	180	1808	180	Submission of Information Disclosure Stmt
1809	700	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))
1810	700	2810	395	Filing a submission after final rejection (37 CFR § 1.129(b))
Other fee (specify)		SUBTOTAL (2)		(\\$)

## Fee Paid

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Gregory D. Caldwell	Registration No. (Attorney/Agent)	39,926	Telephone	(503) 439-8778
Signature				Date	08/23/05

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**FEE TRANSMITTAL  
for FY 2005**

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

0.00

*Complete if Known*

Application Number	09/877,928
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Examiner Name	Bradley E. Edelman
Art Unit	2153
Attorney Docket No.	42390P10678

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 Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or underpayment of fee(s)  Credit any overpayments  
under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

**FEE CALCULATION****1. EXTRA CLAIM FEES**

Total Claims	18	20*	0	x	50.00	=	\$0.00
Independent Claims	3	3*	0	x	200.00	=	\$0.00
Multiple Dependent							

**Large Entity      Small Entity**

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	50	2202	25	Claims in excess of 20
1201	200	2201	100	Independent claims in excess of 3
1203	360	2203	180	Multiple Dependent claim, if not paid
1204	300	2204	150	"Rescue" Independent claims over original patent
1205	300	2205	150	"Rescue" claims in excess of 20 and over original patent
SUBTOTAL (1)		(\$)		0.00

\*or number previously paid, if greater. For Reissues, see below

**2. ADDITIONAL FEES****Large Entity      Small Entity**

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1051	130	2051	65	Surcharge - late filing fee or oath
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet
2053	130	2053	130	Non-English specification
1251	120	2251	60	Extension for reply within first month
1252	450	2252	225	Extension for reply within second month
1253	1,020	2253	510	Extension for reply within third month
1254	1,580	2254	795	Extension for reply within fourth month
1255	2,160	2255	1,080	Extension for reply within fifth month
1401	500	2401	250	Notice of Appeal
1402	500	2402	250	Filing a brief in support of an appeal
1403	1,000	2403	500	Request for oral hearing
1451	1,510	2451	1,510	Petition to institute a public use proceeding
1480	130	2460	130	Petitions to the Commissioner
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1808	180	1808	180	Submission of Information Disclosure Stmt
1809	780	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))
1810	780	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))
Other fee (specify)		SUBTOTAL (2)		(\$)

**Fee Paid****SUBMITTED BY****Complete (if applicable)**

Name (Print/Type)	Gregory D. Caldwell	Registration No. (Attorney/Agent)	39,926	Telephone	(503) 439-8778
Signature				Date	08/23/05

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